

## REQUEST FOR EARLY EFFECTIVE DATE

Pursuant to Government Code section 11343.4(d), the Air Resources Board (ARB) requests that the adoption of section 90800.8 and amendments to sections 90801 and 90803, title 17, California Code of Regulations (CCR), become effective upon filing with the Secretary of State. Good cause for this request exists.

The amendments revise the ARB regulations governing the California Clean Air Act nonvehicular source fee program. They establish a mechanism for setting fees to be collected by local air quality management and air pollution control districts from major nonvehicular sources of nonattainment pollutants and their precursors, to fund part of the ARB's California Clean Air Act program for nonvehicular sources for the 1997-1998 and subsequent fiscal years. The ARB was unable to adopt the amendments earlier because the bill authorizing the collection of fees for the 1997-1998 fiscal year was not signed into law until October 5, 1997 (Stats 1997, ch. 713, Assembly bill 1583).

New section 90800.8(a)(1) provides that, for the 1997-1998 fiscal year, districts must collect the appropriate fees from major nonvehicular sources and then transmit the fees to the ARB by June 15, 1998 — just 15 days before the end of the fiscal year. Since preexisting section 90802 requires sources subject to the fees to remit the fees to the local district within 60 days of receipt of the fee assessment notice, a district will have to send the notices out by early April in order to be reasonably sure the district will be able to forward the fees to the ARB on a timely basis. This will be extremely difficult if the amendments become effective later than the date of filing with the Secretary of State.

The ARB intends to immediately notify the districts and affected sources when the amendments become effective, and at the same time notify each district of the amount of fees to be transmitted by the district.

Date: \_\_\_\_\_

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